

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

WHAT A SMOKE, LLC,)
)
)
Plaintiff,)
)
v.)
)
DURACELL US OPERATIONS, INC.)
)
Defendants.)
_____)

No. 2:19-CV-16657-JMV-JAD

REPLY TO COUNTERCLAIM

Plaintiff What A Smoke, LLC, by its attorneys, Gearhart Law LLC replies to the counterclaims of Defendant as follows:

1. Admits
2. Admits
3. Lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.
4. Admits
5. Admits
6. Admits
7. Admits
8. Admits
9. Denies
10. Denies the allegations about “the true facts, however...” Admit that Plaintiff’s batteries contain internal lithium batteries, among other components.

11. Admits

12. Denies the portion of Paragraph 12 as alleges "the true facts are . . ."

13. Denies that there was reliance on behalf of the USPTO on any false representation by Plaintiff.

14. Admits

15. Admits

16. Admits

17. Denies

18. Denies

19. Plaintiff repeats each and every response as stated above.

20. Denies

21. Denies

22. Denies

23. Denies

24. Denies

25. Plaintiff repeats each and every response as stated above.

26. Denies

27. Denies

28. Denies

29. Denies

30. Denies

31. Plaintiff repeats each and every response as stated above.

32. Denies

33. Denies

34. Denies

35. Denies

36. Denies

37. Plaintiff repeats each and every response as stated above.

38. Denies

39. Denies

40. Denies

41. Denies

42. Denies

43. Plaintiff repeats each and every response as stated above.

44. Denies

45. Denies

46. Denies

WHEREFORE, Plaintiff prays for judgment dismissing all counterclaims.

Dated: January 4, 2021

Respectfully,

s/ Howard Schwartz

Howard J. Schwartz, Esq.

GEARHART LAW, LLC

Richard Gearhart, Esq.

Howard J. Schwartz, Esq.

Tel: (908) 273-0700

rgearhart@gearhartlaw.com

howard@gearhartlaw.com

Attorneys for Plaintiff, What a Smoke, LLC